

TITLE IV-E

ELIGIBILITY and REIMBURSABILITY

POLICY MANUAL

State of Wisconsin
Department of Health and Family Services

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TITLE IV-E ELIGIBILITY AND REIMBURSABILITY POLICY MANUAL

1. INTRODUCTION

This Title IV-E Eligibility and Reimbursability Manual has been updated to include recent changes in federal IV-E requirements policy. The manual explains the process for making IV-E eligibility and reimbursability determinations and redeterminations. The appendices to the manual include updated IV-E eligibility and reimbursability forms and desk guides for staff involved in making IV-E determinations.

1.1 MANUAL EFFECTIVE DATE

This Title IV-E Eligibility and Reimbursability Policy Manual replaces the previous IV-E Eligibility and Reimbursability Manual issued in 1999. The policy and procedures stated in this Eligibility and Reimbursability Manual incorporate the Adoption and Safe Families Act of 1997, the Chafee Foster Care Independence Act of 1999 and the new Title IV-E rules and regulations under 45 CFR Parts 1355, 1356 and 1357 issued in 2000. The new federal IV-E regulations were effective March 27, 2000.

For the purposes of this document, references to the words “child” or “children” encompasses juveniles as well. The IV-E Eligibility and Reimbursability policy and procedures in this manual apply to juveniles in out-of-home care placements.

1.2 MAJOR CHANGES

The major changes to IV-E eligibility and reimbursability policy and procedures in the new federal regulations, effective March 27, 2000, are summarized below and are described in greater detail in this manual.

Contrary to the welfare language: A judicial finding that placement is in the “best interest” of the child, OR, remaining in the home was “contrary to the welfare” of the child must be provided in the initial court order authorizing removal of the child from the home, even temporarily, for the child to be IV-E eligible. If the contrary to the welfare language is not provided in the first court order, the child is not IV-E eligible for the entire out-of-home care episode.

Reasonable efforts language: Within 60 days after the child's removal date, there must be a judicial finding of one of the following for the child to be IV-E reimbursable: a) "reasonable efforts were made to prevent removal of the child," b) the situation "precluded reasonable efforts," or c) "reasonable efforts were not required." If the reasonable efforts language is not obtained with 60 days of the child's removal date, the child is not IV-E reimbursable for the entire out-of-home care episode.

Reasonable efforts to finalize permanency plan: The agency is required to obtain a judicial finding every 12 months from the date of removal stating "reasonable efforts were made to finalize the permanency plan." The reasonable efforts to finalize the permanency plan is a new requirement that is different from the reasonable efforts to prevent removal requirement. If the reasonable efforts to finalize the permanency plan finding is not obtained every 12 months, the child loses IV-E reimbursability until the finding is obtained.

This requirement must be met within 12 months from the new regulations' effective date, March 27, 2000, for children in placement 12 months or more as of March 27, 2000. For children in placement less than 12 months prior to March 27, 2000, agencies must obtain a court order that "reasonable efforts were made to finalize the permanency plan" within 12 months of the child's removal date.

Licensing standards: The new regulations require that all foster homes, including relative placements, meet the same standards as the state's licensing standards for foster homes in order to receive IV-E reimbursement for placement costs.

Licensing issuance: IV-E reimbursement for placement costs will not be provided until the prospective foster home satisfies all the requirements for licensure or approval. If the foster home satisfies all licensing requirements, IV-E reimbursement can be claimed for the placement costs before the actual license or approval issuance, but the time period until the actual license is issued may not exceed 60 days.

2. OVERVIEW OF THE TITLE IV-E PROGRAM

2.1 CATEGORIES OF IV-E COST

The Title IV-E program provides federal reimbursement to states for the costs of children placed in foster homes or other types of out-of-home care under a court order. Title IV-E benefits are an individual entitlement for qualified children in out-of-home care. For children who meet IV-E eligibility and reimbursability requirements, the federal government shares in the cost of:

Maintenance: Maintenance costs are for payments associated with maintaining the child in out-of-home care, including the room/board and other supervision costs for licensed/approved foster parents, treatment foster care, shelter care, group homes and residential care centers. For IV-E eligible children, the federal share of maintenance costs is based on the federal rate for Title XIX Medical Assistance program benefits, which is approximately 59%.

Administrative Services: Administrative costs are incurred when working with the child, the child's family, and the care provider. The IV-E program reimburses administrative costs associated with managing out-of-home care for children. The amount of reimbursable administrative costs is determined using a random moment time study or other methods. The federal share of administrative costs is 50%, with the administrative reimbursement rate pro-rated by the percentage of children in out-of-home care who are IV-E eligible.

The percentage of IV-E children in out-of-home care is determined based on the ratio of IV-E eligible children over the total number of children in out-of-home care. Frequently the percentage of IV-E eligible children is referred to as the state IV-E “penetration rate.” Fluctuations in the penetration rate affect the net rate of federal IV-E reimbursement for administrative costs.

Training: Training costs for public child welfare activities qualifies for an enhanced IV-E reimbursement rate. Allowable training costs include training for case workers to manage out-of-home care for children and for foster parents and facility staff who work with children. Most IV-E training in the state is provided by the University of Wisconsin Child Welfare Training Partnerships. The federal share of eligible training costs is 75%, with the training reimbursement rate also pro-rated by the IV-E penetration rate.

2.2 IV-E ELIGIBILITY AND REIMBURSABILITY

There are two major concepts within the Title IV-E program that determines whether federal reimbursement can be claimed for a child: Eligibility and Reimbursability. The determination of IV-E eligibility and reimbursability for the child allows the state to claim federal IV-E reimbursement for the child's maintenance costs. The IV-E eligibility also allows the state to obtain federal IV-E reimbursement for administrative and training costs associated with the child.

IV-E Eligibility: The child must be determined IV-E eligible based on income and deprivation criteria applied to the parent(s) or relative(s) from whom the child was removed. These criteria are based on the former Aid to Families with Dependent Children (AFDC) program. Once determined initially eligible, IV-E eligibility must be annually redetermined for the child over the duration of the out-of-home care episode.

IV-E Reimbursability: The child must be determined IV-E reimbursable for the state to claim IV-E reimbursement for the maintenance costs of the child. The agency managing the child's case must meet certain IV-E procedural requirements for the child to be reimbursable. The child's placement must be with a reimbursable provider or facility to claim IV-E reimbursement. The care provider must also be licensed in a timely manner for the child's maintenance costs to be reimbursable.

Initial IV-E eligibility is determined on information when the child first enters out-of-home care and the child welfare agency obtains legal responsibility of the child. In general, if a child is determined not eligible then the child is IV-E ineligible and IV-E non-reimbursable for the duration of the out-of-home care episode. When a child re-enters out-of-home care and the agency's legal responsibility is re-established after having been previously terminated, this is a new out-of-home care episode and a new IV-E eligibility determination must be conducted.

2.3 OVERVIEW OF IV-E ELIGIBILITY

The purpose of this subsection is only to provide an overview of the requirements in meeting initial IV-E eligibility. Section 3, Initial IV-E Eligibility Determination, of this manual provides a detailed explanation of all the criteria in meeting IV-E eligibility in accordance to federal and state regulations. The determination of IV-E eligibility of children that enter the legal responsibility of the agency allows the State and counties to obtain federal IV-E funding for the administrative and training costs for that child.

A. The following criteria must be met for a child to be determined IV-E Eligible:

1. The agency has legal responsibility for the child via a court order or voluntary placement agreement (VPA);

2. The agency has obtained the required best interest/contrary to the welfare judicial finding in the initial court order authorizing removal of the child;
 3. The child has been removed from the home (physically or constructively); and
 4. The child met the AFDC relatedness criteria which includes the following:
 - a. Living with Specified Relative
 - b. Deprivation
 - c. Financial Need: Income and Assets
 - d. U.S. Citizenship/Legal Alien
 - e. Age/School Requirement
- B. Once a child is determined IV-E Eligible at the time of entering out-of-home care there are only four circumstances that would cause the child to lose IV-E eligibility while in the continuous care and responsibility of the agency:
1. The child no longer meets the age requirement as specified in Subsection 3.4 of this manual;
 2. The agency has terminated legal responsibility of the child;
 3. The child entered the agency's legal responsibility as the result of a voluntary placement agreement (VPA) and the agency failed to acquire a court order that placement is in the best interest of the child or that returning home is contrary to the welfare of the child within 180 days of the VPA; and
 4. The child was on a trial visit home or run away status longer than six months, at which point the child would lose IV-E eligibility at the end of six months.
- C. IV-E Eligibility Period
1. A child who meets **all** of the eligibility criteria provided above in Item A is IV-E eligible. Title IV-E eligibility is determined each time a child first comes into the legal responsibility of the agency via a court order or a VPA. If a child is initially determined IV-E eligible, the child continues to be IV-E eligible while the agency maintains continuous legal responsibility, provided that none of the circumstances that cause a child to lose IV-E eligibility apply.
 2. If a child is initially determined not eligible for IV-E the child cannot be IV-E eligible (or IV-E Reimbursable) at any time during that out-of-home care episode. When a child re-enters out-of-home care and the agency's legal

responsibility is re-established after having been previously terminated, this is a new out-of-home care episode and a new IV-E eligibility determination must be conducted.

D. IV-E Eligibility Effective Date

The IV-E eligibility effective date is the first day of the month in which all of the eligibility criteria are met. A child who is IV-E eligible during any part of the month is eligible for the entire month.

2.4 OVERVIEW OF IV-E REIMBURSABILITY

This subsection is for the purpose of providing only an overview of the requirements in meeting IV-E reimbursability on children who meet IV-E eligibility. Section 4: Initial IV-E Reimbursability Determination of this manual provides a detailed explanation on all the criteria in meeting initial IV-E reimbursability in accordance to federal and state regulations. The determination of IV-E reimbursability of children in the legal responsibility of the agency qualifies the State and county to obtain federal IV-E funding for maintenance costs (board and care) associated with the child.

A. At the time of initial IV-E eligibility determination, if a child met all the IV-E eligibility criteria, there are only four conditions that must be met for a child to meet initial IV-E reimbursability. They are as follows:

1. There must be a court order **within 60 days of the child's removal** that contains the judicial finding language stating either that; a) "reasonable efforts were met to prevent removal of the child", b) "the situation precluded reasonable efforts", or c) "that reasonable efforts were not required" (e.g., aggravated circumstances including parental abandonment, torture, chronic abuse and sexual abuse; the parental rights of the parent to another child have been involuntarily terminated; the parent has been convicted of certain felonies committed against the child or another child of the parent).
2. Child resides in a IV-E reimbursable placement;
3. For those children in the agency's care under a voluntary placement agreement (VPA), a best interest or contrary to the welfare judicial finding must be obtained in a court order within 180 days of the signed VPA; otherwise the child can only be IV-E eligible/reimbursable for the first 180 days: and
4. Consideration of SSI benefits, if a child is in receipt of SSI.

B. IV-E Reimbursability Period

Title IV-E Reimbursability may fluctuate from month to month. A child may lose and regain IV-E reimbursability, depending upon changes in deprivation, the child's income and assets, the circumstance in the placement, or in obtaining the required judicial finding that "reasonable efforts were made to finalize the permanency plan," while the child remains in out-of-home care under the agency's legal responsibility. The loss of IV-E reimbursability does not deprive the child of future IV-E reimbursability once the reimbursable criteria is met again, except for the IV-E reimbursable criteria of obtaining a judicial finding within 60 days of removal meeting the "reasonable effects to prevent removal requirement". The child's loss of IV-E reimbursability from one month to the next does not affect the child's IV-E eligibility for administrative claiming.

C. IV-E Reimbursable Effective Date

The IV-E reimbursable effective date is the first day of the month in which all of the IV-E reimbursable criteria are met, including having been determined initially IV-E eligible at the time the child entered the agency's legal responsibility. A child who is IV-E reimbursable during any part of the month is reimbursable for the entire month, unless an out-of-home care facility does not meet the state's licensure requirements. At the date the facility meets the state's licensure requirements then the child can meet IV-E reimbursability on that date.

2.5 OVERVIEW OF IV-E REDETERMINATION

This subsection is for the purpose of providing only an overview of the requirements in conducting a IV-E redetermination (ongoing IV-E eligibility/reimbursability) on children who met initial IV-E eligibility. Section 5: IV-E Redetermination of this manual provides a detailed explanation on all the criteria in meeting IV-E Redetermination in accordance to federal and state regulations. On all IV-E eligible children a IV-E redetermination must be conducted, at a minimum, every 12 months for each month from the last IV-E determination.

When conducting an IV-E redetermination (ongoing IV-E eligibility/reimbursability) the following criteria must be reviewed:

1. Child continues to be IV-E Eligible;
 - a. Child continues to meet the age requirement;
 - b. The agency maintains legal responsibility for the child;

- c. For those children in the agency's care under a VPA, a best interest or contrary to the welfare judicial finding was obtained in a court order within 180 days of the signed VPA; otherwise the child can only be IV-E eligible/reimbursable for the first 180 days.
 - d. The child was on a trial visit home or run away status (AWOL) longer than six months, at which point the child would lose IV-E eligibility at the end of six months.
- 2. Deprivation continues to exist in the removal home;
 - 3. Child resides in a IV-E reimbursable placement;
 - 4. Consideration of SSI benefits if child is in receipt of SSI;
 - 5. Child meets the financial need criteria (based on only the child's income and assets once initial IV-E eligibility has been established); and
 - 6. There is a judicial finding of "reasonable efforts" to finalize the child's permanency plan" within 12 months of the child's removal, and every 12 months thereafter from the last "reasonable efforts to finalize the child's permanency plan."

2.6 DOCUMENTATION FOR A IV-E DETERMINATION

A child should be made IV-E eligible/reimbursable if the worker has adequate facts that support the child met the IV-E requirements. If the worker has reason to doubt that a child is eligible or reimbursable, the child should not be made eligible or reimbursable, the worker should put the case in a pending determination status while additional information is pursued. Case forms, documentation, required court orders and computer screen printouts which document a child's eligibility should be included in the financial section of the child's case file or maintained in a separate eligibility file. Information obtained from conversations with persons knowledgeable about the child (i.e., relatives, the caseworker, etc.) must be documented including an explanation as to the source of the information on the appropriate IV-E eligibility form, or on an attached blank sheet of paper.

3. **INITIAL IV-E ELIGIBILITY DETERMINATION**

This chapter of the manual provides detailed explanation of the IV-E eligibility criteria in determining if a child is IV-E Eligible.

- A. A child who meets **all** of the eligibility criteria provided in this Section of the Manual is IV-E eligible. Title IV-E eligibility is determined at the time the agency obtains legal responsibility of the child via a court order or a Voluntary Placement Agreement (VPA).
- B. If a child is initially determined IV-E eligible, the child continues to be IV-E eligible while under the continuous legal responsibility of the agency, unless one of the following instances occurs then the child is can no longer be IV-E Eligible for the duration of the out-of-home care episode;
 - 1. The child no longer meets the age requirement as specified in Subsection 3.4 of this manual;
 - 2. The agency has terminated legal responsibility for the child;
 - 3. The child entered the agency's care and responsibility as the result of a voluntary placement agreement (VPA) and the agency failed to acquire a court order that placement is in the best interest of the child or that returning home is contrary to the welfare of the child within 180 days of the VPA; and
 - 4. The child was on a trial visit home or run away status (AWOL) longer than six months, at which point the child would lose IV-E eligibility at the end of six months.
- C. If a child is initially determined not eligible for IV-E the child cannot be IV-E eligible (or IV-E Reimbursable) at any time during that out-of-home care episode. When a child re-enters out-of-home care and the agency's legal responsibility is re-established after having been previously terminated, this is a new out-of-home care episode and a new IV-E eligibility determination must be conducted.
- D. The **IV-E eligibility effective date** is the first day of the month in which all of the eligibility criteria are met. A child who is IV-E eligible during any part of the month is eligible for the entire month.

3.1 IV-E ELIGIBILITY - LEGAL STATUS/JUDICIAL LANGUAGE CRITERIA

The first Title IV-E eligibility criteria is that the agency must have legal responsibility for the child. This must be achieved by either 1) an initial court order authorizing the child's removal that includes the best interest/contrary to the welfare judicial finding language, or 2) a voluntary placement agreement only for the first 180 days unless there is a court order containing the best interest/contrary to the welfare judicial finding language.

3.1.1 Court-Order Authorizing Initial Removal

- A. **For a child to be IV-E eligible, the initial court order authorizing removal of the child must include a statement that continuation in the home would be “contrary to the welfare” of the child or that removal is in the “best interest” of the child. (45 CFR 1356.21).**

The initial court order authorizing removal of the child is usually the temporary physical custody order (TPC) or the dispositional order. (See Section 3.1.2 regarding court-order requirements for out-of-home placements initially authorized under a voluntary placement agreement)

The worker should make every effort to ensure that the initial court order, authorizing the removal of the child even temporarily, includes the required language, otherwise the child cannot be IV-E eligible for the duration of the out-of-home care episode. All court orders must be maintained in the child's case file.

- B. The IV-E requirements also apply to delinquent youth and juveniles in need of protection or services placed in out-of-home care pursuant to court order. In this instance, the juvenile meets this IV-E eligibility criteria only if the initial court order includes a statement that continuation in the home would be “contrary to the welfare” of the individual juvenile or that removal is in the “best interests” of the individual youth. It is permissible to include language referencing community protection so long as it is combined with a statement in the court order that addresses the reasons why remaining in the home is contrary to the individual juvenile's welfare.
- C. If the contrary to the welfare/best interest judicial finding is not stated in the initial court order authorizing removal of the child, the only other exception to this is if the court transcript of the court proceedings for that particular court order contains the required judicial finding language. This is very difficult to obtain so workers should make every effort to ensure the required judicial finding language is obtained in the initial court order authorizing removal of the child.

- D. The judicial finding requirement must be made on a case-by-case basis based on child-specific circumstances via documentation directly on the court order or documentation (police report, worker court report) incorporated into the court order at that time of the hearing and attached to the court order.
- E. Examples of court order language that satisfies the contrary to the welfare/best interest statement requirement for children under the agency's legal responsibility, include:
1. The child is without proper care, custody, or support and immediate protective custody is necessary to prevent personal harm to the child...(including the child's specific situation.)
 2. The removal of the home is/was necessary to protect the child...(including the child's specific situation.)
 3. The child is being neglected and is without proper care and supervision...(including the child's specific situation.)
 4. The parents or other person exercising custodial control are unable or unwilling to protect the child...(including the child's specific situation.)
 5. The child's condition (or the circumstances surrounding his/her care) requires that custody be immediately assumed to safeguard his/her welfare...(including the child's specific situation.)
 6. Remaining in the home is contrary to the welfare of the child due to (including documentation of the child's specific situation.)
 7. The child will commit or attempt to commit other offenses injurious to herself and the community before the court disposition...(including the child's specific situation.)
 8. The child's continued residence in his home, pending disposition, will not safeguard the best interests of the child and the community because of the serious and dangerous nature of the act(s) the child is alleged to have committed...(including the child's specific situation.)
 9. The child is in need of placement services to protect himself and the community from injury...(including the child's specific situation.)
 10. The child is in immediate danger of imminent serious physical injury or sexual abuse...(including the child's specific situation.)

11. The juvenile's continued residence in his home, pending disposition, will not safeguard the well-being of the juvenile and the safety of the community because of the serious and dangerous nature of the act(s) the child is alleged to have committed as detailed in the police report that is attached to this order.
- G. **Affidavits or nunc pro tunc orders are not accepted for meeting the contrary to welfare/best interest judicial language requirement** (per 45 CFR 1356.21).
Nunc pro tunc refers to changing back to an earlier date of an order, judgment or filing of a document which can be obtained by a showing that the earlier date would have been legal, and there was error, accidental omission or neglect which has caused a problem that can be cured.
- H. Court orders solely referencing the State law are not accepted for meeting the contrary to welfare/best interest judicial language requirement (per 45 CFR 1356.21).

3.1.2 Voluntary Placement Agreement

- A. A voluntary placement agreement (VPA) is a signed written agreement between the agency and the parent(s) or the legal guardian(s) of the child, which is binding on all the parties to the agreement, and is a revocable agreement. It specifies the legal status of the child and the rights and obligations of the parent(s) or legal guardian(s) and the county agency, while the child is in out-of-home care.
- B. Federal law allows IV-E eligibility (and IV-E reimbursability) to continue for 180 days under a voluntary placement agreement (VPA) without a court order. If the child remains in care under a voluntary placement agreement beyond 180 days without acquiring a court order which states that continued placement is in the best interest of the child or the contrary to welfare language, the child would lose IV-E eligibility for the balance of the out-of-home care episode.

For those children who enter the agency's care and legal responsibility via a VPA, a judicial finding that "reasonable efforts to prevent removal" is not required for meeting IV-E reimbursability.

3.1.3 Court-Related IV-E Effective Date

Court-related IV-E effective dates are determined by utilizing the court hearing date on the relevant court order.

3.2 IV-E ELIGIBILITY - AFDC RELATEDNESS CRITERIA; GENERAL INFORMATION

In reference to Aid to Families with Dependent Children Program (AFDC), the eligibility of the child is based on Title IV-A, Part A, of the Social Security Act as the program was in effect in Wisconsin on July 16, 1996. In all references to AFDC relatedness, the eligibility of the child is based on the AFDC program in effect in Wisconsin's State Plan on July 16, 1996.

3.2.1 Eligibility Month

- A. AFDC relatedness must be assessed based upon information within the six months prior to or during the eligibility month.
- B. The **eligibility month** is the month of the initiation of court proceedings that led to the removal of the child or the date a voluntary agreement (VPA) was signed. An example of the initiation of court proceedings is typically a petition or temporary physical custody request.
- C. The date the child entered out-of-home placement does not necessarily define the eligibility month. The date a child was removed or was placed in out-of-home care may be different than the date of the actual petition or initial custody order. As stated above, **it is the month of the initiation of court proceedings or signed VPA that led to the child's removal, not the date of the removal or placement, that defines the eligibility month.**

3.3 DETERMINATION OF AFDC RELATEDNESS

- A. The Medical Assistance (MA) program has been revised by Welfare Reform to ensure individuals who would have been categorically eligible for MA due to receipt of AFDC can continue to be determined MA eligible. This revision also maintained a process for determining AFDC-Relatedness for Title IV-E purposes.
- B. The new "AFDC-MA" Medical Assistance eligibility status code was established to identify those recipients who are MA eligible because they met the Wisconsin AFDC program requirements in existence as of July 16, 1996 (see BWI Operations Memo 97-89). Prior to termination of the AFDC program, an inquiry into CARES or MMIS determined if the child was in receipt of AFDC prior to removal.

- C. With the establishment of the AFDC-MA code, an inquiry should be made into CARES or MMIS to determine if the child was in receipt of MA due to AFDC-MA (in CARES, identified as MA-R or MA-U; in MMIS identified as status codes 31, 32, 65, 79 UH, UR, WH, WN, WU) to satisfy the AFDC-Relatedness test for Title IV-E eligibility.
- D. Additionally, a child may meet the IV-E AFDC-MA or AFDC-MA Related requirement, if they are identified as AFDC-MA Related Categorically Needy (in CARES, identified as MAO-R, MAO-U, ADC-R, and ADC-U; in MMIS, identified as status codes 38, 80, 95, a3, A5, M1, UA).
- E. A child meets the AFDC Relatedness (**using the AFDC plan in effect on July 16, 1996**) if one of the following three conditions is met:
1. The child was in receipt of AFDC-MA (or was AFDC-MA Related) in the eligibility month;
 2. The child would have received AFDC-MA (or was AFDC-MA Related) in the eligibility month if an application had been made; or
 3. The child lived with a specified relative (as defined below in Subsection 3.2.3) **in the eligibility month or within any of the six months prior to the eligibility month** and received AFDC-MA (or was AFDC-MA Related) or would have received AFDC-MA (or AFDC-MA Related) had an application been made.
- F. An exception to the three AFDC relatedness tests mentioned in Item E above, is a child receiving SSI who is removed from a family whose primary income are the child's SSI benefits and the family's Temporary Assistance for Needy Families (TANF) benefits. If the family members receive MA benefits under reason code AFDC-MA or AFDC-MA Related, the family is an AFDC family under the July 1996 State Plan; thus the child meets the AFDC Relatedness criteria for IV-E purposes because the child was removed from an "AFDC household".
- G. AFDC Criteria Applicable For Initial IV-E Eligibility
- If a child is not in receipt of the appropriate AFDC-MA for IV-E as detailed above in Subsection 3.3, the worker must then make a determination based on information within the six months prior to the eligibility month or during the eligibility month, to determine if the child would have been eligible for AFDC if an application had been made.

The child meets AFDC Relatedness if **all** the AFDC criteria applicable for Title IV-E eligibility purposes are met within six months prior to the eligibility month or in the eligibility month. The child must meet the following five AFDC criteria to meet AFDC Relatedness for IV-E; age, citizenship, lived with a specified relative, deprivation and financial need (income and resources.)

3.4 IV-E ELIGIBILITY – AFDC RELATEDNESS; AGE CRITERIA

To be IV-E eligible, the child must be under the age 18; or be 18 but enrolled in a secondary school or the equivalent and expected to complete his/her studies by age 19.

3.5 IV-E ELIGIBILITY – AFDC RELATEDNESS; CITIZENSHIP CRITERIA

For IV-E eligibility, the worker must verify U.S. citizenship by birth, naturalization or legally admitted for permanent residence in the United States. Children who are in the U.S. under a visitor's or tourist's visa or under a student arrangement do not meet the citizenship criteria for AFDC Relatedness and would not be IV-E eligible.

- A. Under federal law, the term **“qualified alien”** includes, but is not limited to, the following:
 - 1. A legal alien with permanent residency;
 - 2. An alien who is granted asylum;
 - 3. A refugee admitted under federal law;
 - 4. An alien whose deportation is being withheld;
 - 5. A Cuban or Haitian entrant; or
 - 6. An alien or the child or parent of an alien who has been battered or subjected to extreme cruelty in the U.S.
- B. It is the responsibility of the worker to verify the citizenship or immigrant status of children applying for Title IV-E benefits. For most children, who presumably will have been born in the U.S., or one of their parents were born in the U.S., citizenship status is most easily verified by the child's birth certificate or the parent's place of birth. For non-citizens, “qualified alien” status can be verified by other INS documents, such as those granting permanent residency (I-94, Alien Registration Card) or refugee status.

3.6 IV-E ELIGIBILITY - AFDC RELATEDNESS; SPECIFIED RELATIVE/REMOVAL CRITERIA

For a child to meet initial IV-E eligibility, the child must have lived with a specified relative during the eligibility month, or within any of the six months prior to the eligibility month. The specified relative, with whom the child most recently lived with, during the eligibility month or within six months prior to the eligibility month, is considered the relative from whom the child was removed.

3.6.1 Who Is A Specified Relative

- A. In accordance to the AFDC requirements in effect in July 1996, a specified relative includes:
 - 1. Father, mother, brother, sister, uncle, aunt, first cousin, child of a first cousin, nephew, or niece.
 - 2. Relationships to persons listed above of preceding generations denoted by prefixes of grand, great or great great are within this definition.
 - 3. The parental relationship can be biological, adoptive or step. The sibling and grand, great, great great relationships can also be biological, adoptive, step, or half.
 - 4. Spouses of any persons named in the above groups are within the scope of these provisions, even though the marriage is terminated by death or divorce.
- B. Identifying the correct specified relative home where the child lived and was considered removed from is critical for two very important reasons:
 - 1. It identifies the removal home; and
 - 2. It determines the AFDC group members when determining if the child meets the financial need criteria.

3.6.2 Determining The Removal Home/Specified Relative

- A. **Removal Requirement:** To meet initial IV-E eligibility a child must have been removed from the home within six months prior or within six months after the eligibility month. The worker must determine the removal home; the home from which the child is considered removed. There are two types of removal when determining the removal home: physical removal and constructive removal.

1. **Physical removal** occurs when the agency has physically removed the child from the home of a specified relative.
 2. **Constructive removal** is considered “paper removal”; when the agency has obtained legal responsibility for the child; the agency did not physically remove the child from the home of a specified relative but the child lived with a specified relative within six months of the eligibility month (per ch. 45 CFR 1356.21 Wis. Stats.).
- B. The specified relative criteria and removal requirement are inter-related. The specified relative with whom the child most recently lived (during the eligibility month or within six months prior to the eligibility month) is considered the relative from whom the child was removed. This is considered the **removal home**.
- C. There are four types of scenarios for meeting the living with specified relative and removal criteria. They are as follows:
1. The agency removed the child from a specified relative.
 - a. Removal home is the home of the specified relative from which the agency removed the child.
 - b. Date of removal is the date the agency removed the child.

Case Example: The child was living with mother at the time the agency removed the child from mother’s home on December 12, 1999. The mother’s home is the removal home and December 12, 1999 is the removal date (physical removal).
 2. The agency removed the child from a non-specified relative but the child did live with a specified relative within six months prior to the agency initiating a legal proceeding (e.g., filing a petition or a temporary physical custody request) or the date of a signed VPA (eligibility month).
 - a. Removal Home is the home of the most recent specified relative where the child resided within six months prior to the eligibility month.
 - b. Date of removal is the date the petition was filed to obtain legal responsibility.

Case Example: The child had been living with friends for two months preceding the time police removed the child on May 13, 2000. The agency filed a petition on May 14, 2000 and placed the child in out-of-home care. Prior to living with her friends, the child was living with

her parents until January 3, 2000. She subsequently went to live with her grandparents, until March 14, 2000. On this date, she went to live with her friends. The grandparents' home is the removal home (most recent specified relative with whom the child lived) and May 14, 2000 is the removal date (physical removal).

3. At the time of initiating agency custody the child was living in the home of a non-parent specified relative but the child lived with a different specified relative within six months of the date the agency initiated legal proceedings (e.g., filing a petition or a temporary physical custody request) or the date of a signed VPA.
 - a. Removal home is the home of the most recent specified relative, where the child resided within six months prior to the eligibility month.
 - b. Date of removal is the date the petition was filed requesting custody.

Case Example: The child was living with his father until March 22, 2000, at which time he went to live with his aunt. On April 3, 2000 the agency filed a petition for the child, but the agency leaves the child in the aunt's home as a relative placement. The father's home is the removal home and April 3, 2000 is the removal date.

4. Child has been living with the same specified relative for over six months prior to agency involvement. The agency files a petition or obtains a signed VPA to gain legal responsibility for the child and leaves the child in the home of that specified relative. The agency removes the child at a later date within six months after the petition for initiating legal responsibility or the date of a signed VPA (eligibility month).
 - a. Removal home is the specified relative home the child in lived prior to; during, and after the eligibility month at the time the agency physically removed the child (within six months after the eligibility month).
 - b. Date of removal is when the agency physically removed the child.
 - c. If the agency did not remove the child within six months after the eligibility month, the child could not be IV-E eligible until the child re-enters the agency's legal responsibility and a new IV-E eligibility determination is conducted.

Case Example: Since 1997 the child has been living with his great-grandfather. On January 23, 2000 the agency initiated legal responsibility of the child but leaves the child in the great-grandfather's home as a relative placement. On May 10, 2000 the agency removes

the child from the great-grandfather's and places the child in an uncle's home as a relative placement. The great-grandfather's home is the removal home and the date of removal is May 10, 2000 (constructive removal).

If the agency removed the child from the great-grandfather's home after August 23, 2000 (after six months from the eligibility month, January 23, 2000), the child would not be eligible for IV-E since removal did not occur within six months of the agency initiating custody. This example can also be applied to a parent, for instance, if you were to replace great-grandfather with mother.

- D. If a finalized adoption disrupts and the child returns to out-of-home placement and agency custody, the adoptive family is the removal home and the adoptive families' income and resources shall be considered.

3.6.3 Determining the AFDC Group

- A. The AFDC group is the grouping of persons from the removal home whose income and resources must be considered in determining if the child meets the financial need: income and assets criteria for AFDC relatedness.
- B. If the child was removed from the parent's home, the AFDC group would include any of the following individuals residing in the home at the time of removal:
 - 1. Birth or adoptive parents;
 - 2. Child in agency care; and
 - 3. Any minor siblings (birth, adoptive or half) of the child under the agency's legal responsibility.
- C. If the child was removed from the home of a specified relative other than the parent(s), the AFDC group would include any of the following individuals residing in the home with the child at the time of removal:
 - 1. Child in agency care; and
 - 2. Any minor siblings (birth, adoptive or half) of the child under the agency's legal responsibility, who were living in the removal home at the time of the child's removal.
- D. Any household members receiving SSI benefits are not counted as a member of the AFDC group, unless the household member is the child in custody. In addition, the SSI benefits and any other income or assets of the SSI recipient are not counted in determining financial need, including if the child in custody is in receipt of SSI. (Financial need is covered in Section 3.8 and 3.9 of this manual.)

- E. An adoptive sibling to the child, receiving adoption assistance, may be excluded from the AFDC group. (The adoptive sibling's income and assets would not be counted.)
- F. If the child in custody and under review is receiving adoption assistance, do not count the child's income and resources when determining financial need, however count the child as a member in the AFDC group size.

3.7 IV-E ELIGIBILITY – AFDC RELATEDNESS; DEPRIVATION CRITERIA

For a child to be IV-E eligible, the child must be deprived of the support of either one, or both parents in the removal home. The child meets deprivation if the child is deprived of the support of one parent in the removal due to one of the following circumstances:

1. Death
2. Separation: One of the parents is not living in the same house.
3. Divorce: One of the parents is not living in the same house.
4. Continual Absence: One of the parents is continually absent from the home where the child resides for any reason except military service.
5. Institutionalized/Incarcerated: One of the parents is in an institution or incarcerated, prior to the child's placement.
6. Incapacitated or Disabled: The parent must be determined to be disabled or incapacitated for at least 30 days by means of competent testimony by a physician, hospital, chiropractor, psychologist, or optometrist. If the parent(s) is receiving SSI or Social Security payments because of disability or blindness (OASDI), the incapacitation requirement is met and verification of the SSI or other disability payments shall be included in the record (such as a copy of an award letter, copy of a check, caseworker documentation, etc.)
7. Termination of Parental Rights: If there has been a termination of parental rights (TPR), the child is deprived from the date of the TPR.
8. Under or Unemployment of the Principal Wage Earner: If a child lives with both parents, the child is deprived of parental support when either parent is a principal wage earner and who is under or unemployed. **Principal wage earner** is the parent who earned the greater amount in the 24-month period prior to the eligibility month.

3.8 IV-E ELIGIBILITY – AFDC RELATEDNESS: FINANCIAL NEED; ASSET LIMITS

Assets are defined as an "asset that a person possesses or owns". An asset is determined by its equity value, which is the current market value minus any debts still owed on the assets. The maximum value of assets the child's AFDC group can own is \$10,000 to meet the asset limit for the financial need criteria (H.R. 3443: Foster Care Independence Act of 1999). Listings of what are countable assets and what are exempted (not counted) assets are provided below:

A. Countable Assets include:

1. Bonds;
2. Credit union savings;
3. Income property;
4. Real estate except the home in which the family resides;
5. Savings accounts;
6. Checking accounts;
7. Savings bonds;
8. Stocks;
9. Vacation home (not the family's residence); and
10. Vehicles (the first \$1500 of equity value is exempt for one vehicle).

B. Exempt Assets include:

1. Inaccessible trusts (include per capita tribal payments to child in out-of-home care);
2. Burial plot (one per household member);
3. Home of residence and surrounding acreage;
4. Funds for relocation (Uniform Relocation Act);
5. Household furnishings and clothing;
6. Personal jewelry; and
7. Farm/business inventories used to produce income.

3.9 IV-E ELIGIBILITY – AFDC RELATEDNESS; FINANCIAL NEED; INCOME STANDARDS

Income available to a child must meet the AFDC relatedness income requirements. This income is calculated utilizing countable earned and unearned income of the AFDC group.

3.9.1 Overview of Income Standards

The countable earned and unearned income available to the child must not exceed the income limit for the child's AFDC group size. The income limits are based

upon Wisconsin's 100% AFDC Need Standards for the child's AFDC group size effective July 1996. Refer to *Appendix A: Wisconsin's 100% AFDC Standard of Need Effective July 1996*.

To meet the financial need income criteria the child's AFDC group's countable earned and unearned income, after allowable deductions, must not exceed the child's AFDC group's income limit provided in Appendix A.

3.9.2 Converting Income to Monthly Amounts

When determining the earned and unearned income amount of the child's AFDC group, the worker will need to convert income payments to a monthly amount, such as:

1. Income received bi-weekly (paid every other week) must be multiplied by 2.15;
2. Income received semi-monthly (paid twice per month) must be multiplied by 2;
3. Income received weekly must be multiplied by 4.3; and
4. Income received quarterly (paid once every three months) must be divided by 3.

3.9.3 Countable Earned Income

Earned income is income in cash or in-kind for which a person performs a service. Sources of countable earned income include:

1. Bonuses;
2. In-kind income for work (e.g. shelter received for work);
3. Longevity pay;
4. Wages, salaries, tips (before taxes);
5. Work-study;
6. Worker's Compensation.
7. Self-employment/farm income; and
8. Severance pay.

3.9.4 Countable Unearned Income

Unearned income is income received by an individual for which no service is performed. Sources of countable unearned income include:

1. Armed forces pension or disability allotment;
2. Child support/alimony (minus first \$50 paid per month);

3. Disability insurance (sick payments);
4. Dividend payment;
5. General Relief;
6. Income continuation payments;
7. Income from relatives, income **deemed** from relatives/stepparents;
8. Inheritance payments;
9. Interest, money payments;
10. Money from churches, charitable organizations, friends, lodges, or unions;
11. Retirement or Pension (union, private or government);
12. Social Security benefits (but not SSI);
13. Striker's benefits;
14. Unemployment compensation; and
15. Veteran's benefits.

3.9.5 Exempt Earned and Unearned Income

- A. Certain types of earned and unearned income are exempt (not counted) in determining if the child meets the financial need requirement for AFDC eligibility. Sources of exempt earned and unearned income include, but are not limited to:
1. Supplemental Security Income (SSI);
 2. Repayments of a previous overpayment to a particular income source;
 3. Food programs, such as, food stamps, WIC, USDA food surplus, etc.;
 4. Loans or grants administered by the U.S. Commissioner of Education;
 5. Foster care payments;
 6. Adoption Assistance payments;
 7. JTPA earned income of full-time students;
 8. Income of students under age 19, employed less than 30 hours per week;
 9. JTPA unearned income;
 10. Trust funds not available on demand; and
 11. Loans, including reverse equity loans, endorsed for repayment.
- B. Lump Sum Payments: A lump sum payment is a non-recurring or advance payment not earmarked for a specific purpose. Examples of unearned lump sum payments are retroactive social security benefits, stock dividends, life insurance settlements, etc. The agency uses lump sum payments to recover the out-of-home care and medical expenditures incurred on behalf of a child. Any balance remaining from the lump sum payment shall be placed into a ward's account or a trust fund for the child. Dedicated awards or trust funds may not be used to support the cost of care.

3.9.6 Deeming Stepparent's Income

- A. If a stepparent lives in a parent removal home, the worker must deem the stepparent's gross income where a portion of the stepparent's income is applied towards the child in determining if the child meets the IV-E eligibility criteria for financial need. Deeming means determining the amount of the stepparent's income to be included in the total gross income available to the child.
- B. The following steps should be completed to determine the stepparent's deemed income amount in worksheet provided below.

- Step 1: Determine the legal stepparent's gross income (earned and unearned)
- Step 2: Determine the AFDC group size for the stepparent. The AFDC group size for the stepparent consists of the stepparent and any of the stepparent's biological or adoptive children who are a minor child (living in the home) who are not children (biological or adoptive) with the other spouse in the household. The stepparent is not counted in the AFDC group size for the child removed from the home but the income of the stepparent is deemed to the child.
- Step 3: Subtract \$90.00 earned income work deduction if the stepparent is working.
- Step 4: Subtract the 100% Standard of Need amount for the stepparent's AFDC group size. (Refer to *Appendix A: Wisconsin's 100% AFDC Standard of Need Effective July 1996.*)
- Step 5: Subtract any child support and alimony that the stepparent is paying.
- Step 6: Add countable unearned monthly income.
- Step 7: Subtract dependent care expenses paid by the stepparent for a dependent that is not a member of the fiscal test group and is a member of the stepparent's AFDC group. (Up to \$200 is allowed for dependents under the age of 2; \$175 is allowed for dependents 2 years of age or older.)
- Step 8: The total remaining ("Total Deemed Income") is the income to be deemed (added) to the child and is added as unearned income available to the child.

Deeming Stepparent's Income Worksheet

Stepparent's Gross Monthly Earned Income	\$ _____
Subtract \$90 Work Expense	- \$ _____
Subtotal	\$ _____
Subtract 100% Need Standard (For Stepfather's AFDC Group)	- \$ _____
Subtotal	\$ _____
Subtract Child Support/Alimony	- \$ _____
Subtotal	\$ _____
Subtract Dependent Care Expenses	- \$ _____
Subtotal	\$ _____
Add Unearned Income	+ \$ _____
Total Deemed Income*	\$ _____

*Total deemed income is the portion of the stepparent's income that must be included as unearned income to the child in agency care when determining if the child meets financial need.

3.9.7 100% Standard of Need Income Test

- A. The worker must determine the members of the AFDC group (in the removal home), as explained in Subsection 3.6.3 of this manual, to determine the AFDC group size and the total income that is to be counted as available to the child, such as:
1. If the child is removed from a parent (biological or adoptive) include the income of; the child, parents (biological or adoptive) and the siblings (biological, adoptive and half) residing in the same household (removal home) as the child at the time of removal; **and**
 2. If a stepparent is in the same household, the worker must determine if a portion of the stepparent's income must be considered available to the child.
- B. If the child is removed from a non-parent specified relative (a specified relative other than the parent), include only the child's income and any siblings' (biological, adoptive or half, under the age of 18) income residing in the same household (removal home) as the child at the time of removal.
- C. The child's AFDC group must pass the 100% Standard of Need Income Test for determining if the child meets the 100% AFDC Need Standard for financial need under the AFDC relatedness criteria.

D. Income Calculation for AFDC 100% Standard of Need Test

The child's AFDC group's countable earned income minus allowable deductions must not exceed the AFDC 100% Standard of Need for the AFDC group size as provided in *Appendix A: Wisconsin's 100% Standard of Need* as of July 16, 1996. This is determined by subtracting allowable deductions from the countable earned income (not less than zero), and adding this adjusted earned income to the countable unearned income and any deemed income from a stepparent.

The following steps should be followed when completing the income worksheet:

- Step: 1. Earned Income: Provide the total monthly earned income of the child's AFDC group members (including the child)
- Step: 2. Work Allowance: subtract \$90.00 work expense allowance from each employed person's earnings in the AFDC group.
- Step: 3. \$30 and 1/3 Income Disregards: subtract \$30 and subtract 1/3 of the gross adjusted earned income.
- Step: 4. Dependent Care: If a person in the AFDC group is paying for dependent care for a child or an adult member of the AFDC group, the dependent care expense may be deducted. The amount of the expense that may be deducted, includes:
 - a. \$175 for dependents over age 2, and
 - b. \$200 for dependent children under age 2.

In some instances, the amount of allowable deductions may allow a family, who would otherwise not qualify, to meet the AFDC income guidelines; therefore, it is imperative that these expenses are recorded on Form CFS-205.

- Step: 5. Add the child's AFDC group's total monthly-unearned income. A stepparent's deemed income would be included in the total amount of monthly unearned income as would child support payments.
- Step: 6. If the income is less than the 100% AFDC Need Standard, the child meets the income requirement for AFDC eligibility.

E. The table below provides a worksheet for conducting the income calculation:

100% Standard of Need Test Worksheet

Total Countable Gross Earned Income	\$ _____
Subtract \$90 for each working AFDC group member	- \$ _____
Subtotal	\$ _____
Subtract \$30 Disregard	- \$ _____
Subtotal	\$ _____
Multiple Subtotal By .666 and Enter On This Line (1/3 Income Disregard)	\$ _____
Add Total Countable Unearned Income (child support, deemed income, etc.)	+ \$ _____
Subtotal	\$ _____
Subtract Dependent Care Costs (\$175 per dependent, \$200 if under age 2)	- \$ _____
Total Adjusted Income*	\$ _____

*Total adjusted income must be lower than the 100% Needs Standards for the AFDC group size provided in Appendix A of this manual.

- F. All income should be verified. Where verification is made available in the form of a document, copy document and place in the record. Verification can consist of pay statements, W-2 forms, employment computer check, or other documentary proof, such as parent's statements, the worker's knowledge and observations about the family situation based on a preponderance of evidence. If reliance is on statements, knowledge, and observations, statements should be included in the record.
- G. If the income of the child's family is unknown and a determination of potential AFDC relatedness cannot be made, the worker shall examine other third party sources (such as, available data on various information systems). Among these systems are MMIS for Medical Assistance, CARES for public assistance, DWD Wage Record, and KIDS for child support.
- H. The worker must record on Form CFS-205 that these sources were used to verify income and resource information. Form CFS-205 must be attached to Form CFS-201 and maintained in the child's case record.
- I. If the parent provides a verbal statement or declaration of income and resources, this would be acceptable evidence if no other documentation were available. The parent's statement must be recorded on Form CFS-205 and maintained in the child's case record.

3.10 KINSHIP CARE AND SHELTER CARE

Kinship Care

The Kinship Care program provides a financial assistance payment using Temporary Assistance for Needy Families (TANF) to relatives caring for children. Relatives must be approved to receive a Kinship Care payment, but the relatives may or may not be licensed. Unlicensed relative placements are not IV-E reimbursable. The placement of the children with the relative may be voluntary or under a court order. Children placed with relatives under court order are under the legal responsibility of the agency and relatives must be offered the opportunity to be licensed as foster parents. Title IV-E eligibility must be determined for children in court-ordered Kinship Care, even though their placement with the relative is not IV-E reimbursable.

If a child comes under the legal responsibility of the agency and is initially placed with an unlicensed relative under the Kinship Care program, the agency should collect the necessary IV-E eligibility information (court orders, parental income, etc.) and complete the CFS-201 initial determination form. For Kinship Care cases reported to the state using the WiSACWIS system, the IV-E eligibility status for the child is entered into the system. Kinship care cases are eligible, but not reimbursable. For other Kinship Care cases, since the state Kinship Care database does not track IV-E eligibility, the IV-E eligibility status cannot be entered. The CFS-201 form should be completed and kept in the agency's files.

If the relative becomes licensed, or if the child is subsequently placed into a out-of-home care or residential placement, the agency should utilize the initial IV-E eligibility determination and complete a CFS-201A redetermination form to document the IV-E eligibility and reimbursability of the child.

Shelter Care

Shelter care and receiving homes are often used on a temporary basis when children first enter out-of-home care. If the child's initial placement is in shelter care, which is typically short-term, it is reasonable to wait until after the shelter care placement to decide if a IV-E eligibility determination must be made. If the child returns home from a short stay in the shelter, no IV-E determination is necessary. If the child is subsequently placed into out-of-home care or a residential placement, a IV-E eligibility and reimbursability determination must be completed. Shelter care facilities are licensed and federal reimbursement can be claimed for the maintenance costs of eligible and reimbursable children.

The CFS-201 initial determination form must be completed using the date of the shelter care placement as the IV-E eligibility effective date. If the child is subsequently placed into a out-of-home care or residential placement, the agency should utilize the initial eligibility determination and complete a CFS-201A redetermination form to document

the IV-E eligibility and reimbursability of the child. The CFS-201 and CFS-201A forms should be completed and kept in the agency's files.

For cases reported to the state using the WiSACWIS system, the IV-E status for the child is entered into the system and WiSACWIS has codes for shelter care and receiving home placements. For cases reported to the state using the Children in Substitute Care module of the HSRS system, HSRS does not track shelter care placements so the IV-E status is entered only when the child is placed into a out-of-home care or residential placement.

4. **INITIAL IV-E REIMBURSABILITY DETERMINATION**

- A. At the time of the initial IV-E eligibility determination, if a child was determined to be IV-E Eligible there are only four other criteria the child must meet to be IV-E reimbursable at the initial determination.
- B. The IV-E reimbursability criteria that must be met at initial determination if a child has been determined IV-E eligible are as follows:

1. There must be a court order **within 60 days of the child's removal** that contains the judicial finding language stating either that; a) "reasonable efforts were met to prevent removal of the child", b) "the situation precluded reasonable efforts", or c) "that reasonable efforts were not required" (e.g., aggravated circumstances including parental abandonment, torture, chronic abuse and sexual abuse; the parental rights of the parent to another child have been involuntarily terminated; the parent has been convicted of certain felonies committed against the child or another child of the parent.)
2. Child resides in a IV-E reimbursable placement;
3. For those children in the agency's care under a voluntary placement agreement (VPA), a best interest or contrary to the welfare judicial finding must be obtained in a court order within 180 days of the signed VPA; otherwise the child can only be IV-E eligible/reimbursable for the first 180 days: and
4. Consideration of SSI benefits, if a child is in receipt of SSI.

C. **IV-E Reimbursability Period**

Title IV-E Reimbursability may fluctuate from month to month. A child may lose and regain IV-E reimbursability, depending upon changes in deprivation, the child's income and resources, the circumstance in the placement, or in obtaining the required judicial finding language while the child remains in the agency's legal responsibility. The loss of IV-E reimbursability does not deprive the child of future IV-E reimbursability once the reimbursable criteria is met again, nor does it affect the child's IV-E eligibility for administrative claiming.

D. **IV-E Reimbursable Effective Date**

The IV-E reimbursable effective date is the first day of the month in which all of the IV-E reimbursable criteria are met, including having been determined initially IV-E eligible at the time the child entered the agency's care and responsibility. A child who is IV-E reimbursable during any part of the month is reimbursable for

the entire month, unless an out-of-home care facility does not meet state licensure. At the date the facility meets state licensure then the child can meet IV-E reimbursability on that date.

4.1 IV-E REIMBURSABILITY - REASONABLE EFFORTS TO PREVENT CHILD'S REMOVAL FROM THE HOME CRITERIA

A. There must be a court order **within 60 days of the child's removal** that contains a judicial finding that "reasonable efforts were made to prevent removal of the child" or "the situation precluded (was not possible to provide) reasonable efforts." The child is not Title IV-E reimbursable until reasonable efforts language is obtained. If the reasonable efforts finding is not obtained within 60 days, the child cannot be IV-E reimbursable for the duration of the out-of-home care episode.

1. *That "reasonable efforts were made to prevent removal of the child"* – this is applicable in instances where the child was known to be at risk prior to any petition for the care of the child. The agency had some opportunity to work with the family to eliminate the need to remove the child.
2. *That "the situation precluded reasonable efforts to prevent removal of the child/reasonable efforts were not possible/to take action to prevent removal was not reasonable"* – this statement is applicable in emergency situations where the child must be removed immediately due to the immediate severity of the situation and protection of the child.
3. *That "the situation did not require reasonable efforts"* – aggravated circumstances including parental abandonment, torture, chronic abuse and sexual abuse; the parental rights of the parent to another child have been involuntarily terminated; the parent has been convicted of certain felonies committed against the child or another child of the parent.

Note: The worker should make every effort to obtain the "reasonable efforts" judicial finding in the initial court order.

B. The reasonable efforts to prevent removal judicial finding requirement as stated above in Section 4.1(A) must be stated in the court order. The only exception to this is if the court transcript of the court proceedings for that particular court order contains the required judicial finding language. This is very difficult to obtain so workers should make every effort to ensure the required judicial finding language is obtain in the initial court order authorizing removal of the child. This finding should be made on a case-by-case basis based on the child particular circumstances whether stated in the court order or other attached documents (i.e. police reports, court reports) that are accepted into court.

- C. Some examples of judicial language that satisfy the “reasonable efforts” requirement, are:
1. The court finds that the worker made reasonable efforts in trying to maintain the child in his/her own home...(including the child’s specific situation.);
 2. The court finds that the worker made reasonable efforts in preventing the removal of the juvenile from the home by...(including the child’s specific situation.);
 3. Due to the circumstances presented, there was an immediate danger to the child that would not have been mitigated by the provision of preventive services...(including the child’s specific situation.);
 4. There are reasonable grounds to believe that the child’s condition (or the circumstances surrounding his care) requires that his custody be immediately assumed to safeguard his welfare...(including the child’s specific situation.); and
 5. Due to the emergency situation as presented in the attached police report dated October 1, 2001, the lack of preventive efforts to maintain the child in his home was reasonable...(including the child’s specific situation.).
- D. Affidavits or nunc pro tunc orders **are not accepted** for meeting the reasonable efforts to prevent removal judicial finding requirement (per 45 CFR 1356.21).
- E. Court orders solely referencing the State law **are not accepted** for meeting the reasonable effort judicial language requirement. The judicial language must be stated in the court order.
- F. The only exception to not having the proper judicial finding language in the court order is if it is presented in the court transcript.
- G. Documentation of Judicial Findings: Copies of the court orders with the required judicial findings regarding contrary to welfare/best interest and reasonable efforts must be filed and maintained in the child’s case record.

4.2 IV-E REIMBURSABILITY - PLACEMENT CRITERIA

- A. The Federal regulations, effective March 27, 2000 require that out-of-home care facilities must be in compliance with Wisconsin’s licensure standards in order to be IV-E reimbursable. Claiming can begin on the date when all licensing requirements are met, but cannot continue beyond 60 days if the license has not been issued. If the license issuance is delayed beyond 60 days, claiming must cease after 60 days until the license is issued.

- B. Title IV-E reimbursement for board and care is not available in any month that a child is placed in an out-of-home care facility foster family home or residential child care facility that is not licensed; however, because the children in these instances remain IV-E eligible, an administrative claim can be made.

C. Reimbursable Placements

There are four types of providers that meet the law's definition of a IV-E reimbursable facility:

1. A licensed foster home or treatment foster home;
2. A licensed relative foster home;
3. A private group home, child care facility licensed by the state or county; and
4. A public, group home or facility licensed for no more than 25 children; (None of these facilities in number 4 exist in Wisconsin at this time).

D. Non Reimbursable Placements

Detention facilities, medical facilities, forestry camps, training schools, foster homes where payments are made through a for-profit child placing or child care agency, and secure, locked facilities primarily for delinquent children are not IV-E reimbursable facilities. IV-E eligible children placed in such facilities are not reimbursable during that placement. Upon return to a reimbursable foster home or facility, IV-E eligible children become reimbursable again.

Payments to foster homes and institutions associated with a for-profit child placing or child caring agency **are IV-E reimbursable** if a public child welfare agency makes the room and board payment directly to the foster parent or institutions. Agencies are to make two payments in these situations – one payment directly to the provider for the maintenance costs and a separate payment to the child placing or child caring agency for the administrative charges associated with the placement. If a for-profit child placing agency or child caring agency makes room and board payments directly to the foster parents or institutions (as opposed to the public child welfare agency sending the payment) the placements are **not IV-E reimbursable**.

4.3 IV-E REIMBURSABILITY - CONSIDERATION OF CHILDREN IN RECEIPT OF SSI BENEFITS

- A. As of February 4, 1994, federal policy has allowed the concurrent receipt of SSI and Title IV-E foster care reimbursement benefits. The worker should continue to aggressively determine Title IV-E reimbursability for all children, including those receiving or eligible to receive SSI benefits. The receipt of SSI benefits does not affect a child's IV-E eligibility and a child receiving SSI should be IV-E eligible

if the child meets all the IV-E eligibility criteria. It is when a child is IV-E reimbursable that the worker must make a decision on whether to continue the child's SSI benefits to cover board and care costs or cover the board and care costs under IV-E if the child is IV-E reimbursable. It is not in the child's best interest to lose SSI income while in out-of-home care if it appears the child may be returning home soon. The family will need to have the SSI income available to the child upon the child's return home.

- B. The cost of care for a child receiving SSI should not be made Title IV-E reimbursable unless the monthly **federal financial participation** (FFP) amount for Title IV-E reimbursement of the placement cost for that child exceeds the SSI monthly payment. In other words, at the point the cost of care multiplied by the FFP amount (the federal Medicaid percentage) is more than the SSI amount, the FFP amount should be considered. SSI is a set amount of federal funds with a State supplement. These amounts are adjusted every January. Title IV-E federal funds are not limited, and will reimburse allowable costs.
- C. The following formula can be used to determine if Title IV-E should be claimed over the child's SSI benefits:

Cost of Care x FFP for IV-E Reimbursement is Greater than the SSI Monthly Payment

Example:

Assume a child's cost of care per month, is \$1,000, the FFP is 58.78%=\$587.80 and the child's SSI payment is \$494 per month. Applying the above formula:

$\$1,000 \times 58.78\% = \587.80 . This amount is greater than the SSI amount of \$494, so it is more advantageous to claim Title IV-E Reimbursement for the child's placement costs than to utilize SSI benefits.

Note: The FFP percentage and the SSI payment amount change annually.

- D. Guidelines to Follow When Considering a Child in Receipt of SSI
1. A child who is eligible for SSI and Title IV-E reimbursability should continue to receive the SSI check if the SSI payments are more than the IV-E reimbursable FFP for the foster care per diem. In other words, this child will be Title IV-E eligible, but not Title IV-E reimbursable for covering the cost of board and care.
 2. The cost of care for a child who is receiving SSI and meets all the Title IV-E reimbursable criteria should be made Title IV-E reimbursable if in applying the above formula the federal IV-E reimbursement for the out-of-home care

per diem is more than the SSI payment. In this situation, the worker should notify the Social Security Administration (SSA) to have the child's SSI check suspended (**not discontinued**) by SSA and there would be no concurrent receipt of two federal funding sources. The worker must notify the SSA office every 12 months to continue to have the child's SSI suspended, otherwise the SSA office will discontinue SSI that is on a suspend status beyond 12 month. It is very important that the child's SSI does not get discontinued; this would not be in the best interest of the child.

E. Programmatic Reasons Not To Discontinue a Child's SSI Benefits:

In some situations, it may be more beneficial for the child to continue the SSI benefits rather than covering the child's board and care costs with Title IV-E reimbursement funds. This is a decision that should be made by the worker with the child's best interest in mind. Situations where it may be in the child's best interest to continue the child's SSI benefits are:

1. If the child is expected to be in substitute care for a short period of time (i.e. 60 days);
2. The child is in the adoption process; or
3. The child is approaching age 18 or is in an independent living program.

5. IV-E REDETERMINATION

- A. A IV-E redetermination must be conducted on all IV-E eligible children (whether they are IV-E eligible only or IV-E eligible and IV-E reimbursable) at least every twelve months. However when conducting the IV-E redetermination, each month during that 12-month period must be reviewed.
- B. Title IV-E reimbursability may fluctuate from month to month. A child may lose and regain IV-E reimbursability, depending upon changes in deprivation in the removal home, the child's income and resources, the circumstance in the placement, or in obtaining the required judicial language findings. The loss of IV-E reimbursability in one month does not deprive the child of IV-E reimbursability in the next month, nor does it affect the child's IV-E eligibility.
- C. Upon redetermination, a child must meet **all** of the IV-E criteria in Subsections 5.1 through 5.6 of this manual to receive ongoing IV-E reimbursement.

5.1 IV-E REDETERMINATION – CHILD CONTINUES TO BE IV-E ELIGIBLE

- A. The child must continue to be IV-E Eligible in order to be IV-E Reimbursable. As mentioned before, IV-E eligibility is determined on a one-time basis at the time the child initially entered the care and responsibility of the agency, based on the child's situation and the information provided at that time. Once the child is determined IV-E Eligible, the child will continue to be eligible for that out-of-home care episode and can be claimed for IV-E administrative funding.
- B. There are four circumstances that would cause a child to no longer be IV-E Eligible once a child was initially determined IV-E Eligible, as specified below in Item C. Once a child loses IV-E Eligibility the child cannot be IV-E Eligible or Reimbursable during the current out-of-home care episode.
- C. Circumstances when a child may lose IV-E eligibility once it was established:
 - 1. The child no longer meets the age requirement;
 - 2. The agency has terminated its legal responsibility for the child;
 - 3. The child entered the agency's legal responsibility as the result of a voluntary placement agreement and the agency failed to acquire a court order after 180 days of the agreement, which states that continued placement is in the best interest of the child; or
 - 4. The child was on a trial home visit or run away status longer than six months, at which point the child would lose IV-E eligibility at the end of six months.

D. Trial Home Visit

There are special eligibility considerations when a child is returned home on a trial visit:

1. The court may return a child who has been in out-of-home care back into the removal home for a trial visit. During the trial home visit the agency retains legal responsibility for the child as the child may return to out-of-home care. For IV-E purposes, **a trial home visit can last up to 6 months** and the child retains his/her IV-E eligibility.
2. A child is never IV-E reimbursable when living in the home of a parent.
3. If the child's trial visit lasts longer than six months without court authorization, even with continuous agency legal responsibility, the child loses IV-E eligibility at the end of the six months and a new initial IV-E eligibility determination must be conducted if the child returns to out-of-home care. The initial order giving the agency legal responsibility does not need to be set aside or dissolved, but new IV-E required judicial findings must be made pertaining to the current situation either in a revision of the initial order or a new order (removal). A new initial IV-E eligibility and reimbursability determination must be conducted based on the current situation.
4. If the child is IV-E eligible prior to the trial visit, the child remains IV-E eligible during the trial home visit and shall resume IV-E reimbursability upon return to out-of-home care **if all IV-E reimbursability criteria are met at that time**. If the trial home visit lasts longer than six months and has not been authorized by the court, it is considered a permanent return home and a new IV-E eligibility determination must be completed upon the child's return to out-of-home care. Under these circumstances, the judicial findings regarding contrary to the welfare and reasonable efforts to prevent removal are required. This is true whether or not the agency was relieved of legal responsibility.
5. The same IV-E principles for "trial home visits" apply to IV-E eligible children on "run away" status.

5.2 IV-E REDETERMINATION – "REASONABLE EFFORTS" TO FINALIZE PERMANENCY PLAN

- A. There must be a judicial finding, at least once every twelve months, from the date of removal and within 12 months thereafter following the last judicial determination, stating reasonable efforts are being made to finalize the permanency plan. This is true, whether the case plan goal is reunification,

adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement. The policy effective date for meeting this new requirement is March 27, 2000 for all children entering out-of-home care after March 27, 2000. Children in out-of-home care prior to March 27, 2000 are due within 12 months after the effective date March 27, 2000, therefore the policy effective date for obtaining the reasonable efforts to finalize the permanency plan finding is due March 27, 2001.

- B. If there is not a “reasonable efforts” judicial finding to finalize the permanency plan within 12 months from the date the child was removed from the home and every 12 months from the previous reasonable efforts to finalize the permanency plan finding, the child is not IV-E reimbursable until it is obtained. That is, if the reasonable efforts language related to the permanency plan is not in the court order, the child is not IV-E reimburseable until the language is obtained in a court order.

Note: This judicial finding of “reasonable efforts” to finalize the permanency plan is a new federal requirement and is not the same as the “reasonable efforts to prevent removal” requirement for meeting initial IV-E reimbursability.

5.3 IV-E REDETERMINATION - DEPRIVATION CONTINUES TO EXIST IN THE REMOVAL HOME

This means that deprivation, according to the AFDC relatedness criteria, must continue to exist in the removal home, as defined in Section 3.7 of this manual. The deprivation factor does not have to be the same deprivation factor that existed at the time of initial IV-E eligibility. For any months deprivation does not exist in the removal home the child is not IV-E reimbursable for those months. Once deprivation exists again the child’s IV-E reimbursement may continue if all other criteria are met.

5.4 IV-E REDETERMINATION – PLACEMENT IN A IV-E REIMBURSABLE FACILITY

The child must be in a IV-E reimbursable placement as defined in Section 4.2 of this manual. Anytime the child is not in a IV-E reimbursable placement the child cannot be IV-E reimbursable. Once the child enters a IV-E reimbursable placement, the child’s IV-E reimbursement may continue if all other criteria are met.

5.5 IV-E REDETERMINATION – FINANCIAL NEED: INCOME AND ASSETS CRITERIA

Once a child meets initial IV-E eligibility, **only the income and assets of the child** are considered in determining if the child meets “Financial Need” for redetermination (ongoing IV-E reimbursement).

- A. **Assets:** A child’s assets must be under \$10,000.
- B. **Income:** The child’s income (only) must be less than 185% of the cost of foster care rate including school and clothing allowances for redetermination of IV-E reimbursement. This is the only standard which income is compared to in determining if the child meets ongoing IV-E reimbursement, unlike determining if the child meets the income limits for initial IV-E eligibility.
- C. For the months in which a child’s countable assets or countable income is above the required limits, the child is not IV-E reimbursable for those months. IV-E reimbursement may continue once the child’s assets and income no longer exceed the limits.
- D. **Lump sum payment** is a non-recurring or advance payment not earmarked for a specific purpose. Examples of lump sum payments are retroactive Social Security benefits, stock dividends, life insurance settlements, etc. A lump sum payment is considered as income in the month in which it is received, not as an asset.

When the lump sum payment is received, the child remains IV-E eligible but becomes non-reimbursable for the number of full months for which the out-of-home care maintenance rate is equally divisible into the lump sum payment. For any partial remaining month, the amount of the lump sum payment, which remains, will be treated as income for that month.

Example: Title IV-E foster child receives \$1,200.00 retroactive Social Security payment. The out-of-home care maintenance rate is \$307.00. \$1,200.00 divided by \$307.00 = 3 months of non-reimbursability. The remaining \$279.00 would be budgeted as unearned income in the fourth month.

5.6 IV-E REDETERMINATION - CONSIDERATION OF CHILDREN IN RECEIPT OF SSI BENEFITS

If a child is in receipt of SSI benefits the worker should continue to assess whether it is financially more feasible to suspend the child’s SSI and make the child IV-E reimbursable when placed in a high cost facilities. The worker should follow the same process for deciding whether to maintain the child’s SSI benefits or make the child IV-E reimbursable as explained in Section 4.3 of this manual.

Reminder: Once a child has been determined IV-E Eligible the child will remain IV-E Eligible except for the circumstances mentioned in the above subsection 5.1(C). When a child does not meet one of the IV-E Redetermination criteria for IV-E Reimbursement in Sections 5.2 through 5.5 it does not affect the child's IV-E Eligibility, nor does it mean that IV-E Reimbursement cannot be established in subsequent months once the child meets all the requirements in Sections 5.2 through 5.5.

6.0 IV-E REGARDING MINOR PARENT AND INFANT IN CARE

- A. The Title IV-E program allows a state to claim Title IV-E reimbursement for the costs of an infant living in the same placement as its minor parent¹. (Note: Agency custody of the infant is not necessary in this situation.) If the minor parent has been determined Title IV-E eligible and reimbursable, the added cost of care for the infant living in the same placement can be reimbursed through the mother's Title IV-E status. The infant does not have a separate IV-E status since there is no separate judicial removal or custody into out-of-home care.
- B. In order to claim reimbursement, the cost of care for both the minor parent and the infant must be contained in one payment to the substitute care provider, and the infant's cost of care is assigned to the mother's cost of care. The infant would also be eligible for Medical Assistance benefits.
- C. If the infant is removed from the minor parent and placed in a separate substitute care placement, the infant could also be determined Title IV-E eligible and reimbursable. The infant's Title IV-E eligibility would be like that of any child being removed from his/her parent.

¹ Ch. 45 CFR 1356.21(j) Wis. Stats., and ACYF-PA-88-01

APPENDIX A: WISCONSIN'S AFDC 100% STANDARD OF NEED

AFDC 100% Standard Of Need Effective July 16, 1996

INCOME STANDARDS					
Group Size	Area I	Area II	Group Size	AREA I	AREA II
1	\$313	\$301	10	\$1,179	\$1,143
2	\$550	\$533	11	\$1,204	\$1,168
3	\$647	\$626	12	\$1,229	\$1,193
4	\$772	\$749	13	\$1,254	\$1,218
5	\$886	\$861	14	\$1,279	\$1,243
6	\$958	\$929	15	\$1,304	\$1,268
7	\$1,037	\$1,007	16	\$1,329	\$1,293
8	\$1,099	\$1,068	17	\$1,354	\$1,318
9	\$1,151	\$1,193	18	\$1,379	\$1,343

Note: Add \$25 per person for AFDC groups larger than 18.

AREA - I			
Brown	Kenosha	Outagamie	Sheboygan
Dane	La Crosse	Ozaukee	Washington
Dodge	Marathon	Racine	Waukesha
Dunn	Manitowoc	Rock	Winnebago
Eau Claire	Milwaukee	St. Croix	Winnebago Tribe*
Fond du Lac	Oneida Tribe		
AREA - II			
Adams	Grant	Marquette	St. Croix Tribe
Ashland	Green	Menominee	Sauk
Bad River Tribe	Green Lake	Menominee Tribe	Sawyer
Barron	Iowa	Mole Lake Tribe	Shawano
Bayfield	Iron	Monroe	Stockbridge Munsee Tribe
Buffalo	Jackson	Oconto	Taylor
Burnett	Jefferson	Oneida	Trempealeau
Calumet	Juneau	Pepin	Vernon
Chippewa	Kewaunee	Pierce	Vilas
Clark	Lac Courte	Polk	Walworth
Columbia	Oreilles Tribe	Portage	Washburn
Crawford	Lac du Flambeau Tribe	Potawatomi Tribe	Waupaca
Door	Lafayette	Price	Wausara
Douglas	Langlade	Red Cliff Tribe	Winnebago Tribe**
Florence	Lincoln	Richland	
Forest	Marinette	Rusk	

* If residing on tax-free land in LaCrosse and Marathon counties.

** If residing on tax-free land in counties other than LaCrosse and Marathon.

APPENDIX B: GLOSSARY

GLOSSARY

AFDC

“Aid to Families with Dependent Children,” the Income Maintenance program provided under Title IV-A of the Social Security Act. Under Welfare Reform, this program was replaced by TANF. A child’s linkage to AFDC, using the July 16, 1996, need standard, is a criteria of Title IV-E eligibility.

AFDC Group

The AFDC Group is the grouping of the persons from the removal home whose income and resource must be considered in determining if the child meets the financial need: income and resources criteria for AFDC relatedness.

AFDC Relatedness

AFDC relatedness is a IV-E eligibility criteria, which means the child must have a relatedness to the AFDC program in effect July 16, 1996 to be eligible for Title IV-E benefits; the criteria for meeting AFDC relatedness are; age, citizenship, deprivation, specified relative, and financial need (both income and resources).

AFDC 100% Standard of Need

The cost of a family’s basic living needs that the State recognizes as essential for all families, and any special recurring or nonrecurring needs, recognized by the State as essential for some persons. The AFDC Need Standard in effect on July 16, 1996, is the standard used for Title IV-E eligibility.

Constructive Removal

Constructive removal is considered “paper removal”; when the agency has obtained legal responsibility of the child but the agency did not physically remove the child from the home of a specified relative but the child lived with a specified relative within six months of the eligibility month. In these situations the child is consider to be constructively removed from the specified relative.

Deeming Stepparent’s Income

If a stepparent lives in a parent removal home, the worker must deem the stepparent’s gross income where a portion of the stepparent’s income is applied towards the child in determining if the child meets financial need requirement for AFDC relatedness criteria.

Deprivation

The deprivation requirement for meeting the AFDC relatedness criteria means a child must be deprived of the care and support of one or both parents as a result of death, physical or mental incapacity, continued involuntary absence (e.g., due to incarceration) or voluntary absence (e.g., due to divorce or separation) from the home where the child resides, or unemployment of the primary wage earner.

Earned Income

Income derived directly from work-related activity (*e.g.*, wages).

Eligibility Month

The month in which initial legal proceeding (court action) were initiated (*e.g.*, a petition was filed) that led to the court-ordered removal of the child from his or her home, or the month in which the voluntary placement agreement (VPA) was signed.

Equity Value

The equity value of a resource when determining if the child meets the resource criteria for the Title IV-E program is the current market value minus any debts still owed on the resource.

FFP

“Federal Financial Participation,” the matching rate paid by the federal government for specified program activities, as provided in federal regulation. FFP for Title IV-E administrative activities is 50%; training costs, 75% and IV-E maintenance cost is based on the poverty level in each state, ranging from 50% - 83%, and must be calculated annually for each fiscal year. The State’s IV-E maintenance FFP, which is based on the State’s Federal Medicaid Percentage” (FMAP), is 58.78 (FFY 2000).

FMAP

“Federal Medicaid Percentage,” the FFP rate paid by the federal government for maintenance costs under Title IV-E and direct service costs under Title XIX program. The rate based on the poverty level in each state, ranges from 50% - 83%, and must be calculated annually for each fiscal year. The State’s FMAP is 53.39% (FFY 98).

Initial IV-E Eligibility

This refers to the first IV-E eligibility determination made at the time the child first enters agency legal responsibility.

Initial Court Order

This is the very first court order that authorizes the child’s removal from the home. It is this court order that must have the contrary to the welfare judicial finding. The typical initial court order that authorizes removal is the Temporary Physical Custody Order (TPC) or the Dispositional Order.

IV-E Eligibility

The determination of IV-E eligibility qualifies the State and county to obtain federal IV-E funding reimbursement for administrative and training costs associated with the child if the child meets the IV-E eligibility criteria.

IV-E Reimbursability (Title IV-E)

The determination of IV-E reimbursability qualifies the State and county to obtain federal IV-E reimbursement for maintenance costs (board and care) associated with the child if the child meets the IV-E reimbursability criteria.

IV-E Redetermination

On all IV-E eligible children an IV-E redetermination must be conducted, at a minimum, every 12 months for each month from the last IV-E determination.

Nunc Pro Tunc Order

Nunc pro tunc refers to changing back to an earlier date of an order, judgment or filing of a document which can be obtained by a showing that the earlier date would have been legal, and there was error, accidental omission or neglect which has caused a problem that can be cured. Federal regulations effective March 27, 2000 specified that nunc pro tunc orders are no longer acceptable for Title IV-E eligibility.

Out-Of-Home Care Facility

This refers to any agency placements (e.g. family foster homes, residential child care facilities, group homes, etc.) a child may enter when removed from the home.

Pending Status

When additional information is needed to determine a child's IV-E eligibility the child should be put in a "Pending Status" until the necessary information is obtained to make an IV-E determination.

Permanency Plan Review

This is a review that is required every six months for children in out-of-home care. A review is required to determine the permanency plan for the child, including the permanence goal and planned actions to achieve the goal. The court or administrative body will determine whether and, if applicable, the child will be:

- Returned to the parent;
- Placed for adoption with the State, including filing a petition for termination of parental rights;
- Referred for legal guardianship;
- Placed permanently with a fit and willing relative; or
- Placed in another planned permanent living arrangement, but only after the other permanence goals have been considered and a compelling reason has been documented why the other permanence goals were not selected for the child.

Petition

Formal written application to a court requesting judicial action on a certain matter; it initiates legal proceedings. Must plainly state the facts that bring the child within the jurisdiction of the court and what action is wanted from the court.

Physical Removal

Physical removal occurs when the agency has physically removed the child from the home of a specified relative.

Qualified Alien

An individual residing in the U.S. who does not have citizenship but meets the “qualified alien” definition under federal law; it includes, but is not limited to, an alien lawfully admitted for permanent residency, granted asylum or refugee status; a Cuban or Haitian entrant; or an alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the U.S. Undocumented aliens and aliens legally admitted to the U.S. on a temporary basis for work, study or pleasure are not qualified aliens. Only qualified aliens can apply for or receive Federal public benefits, including Title IV-E.

Removal Home

The removal home is the home of the specified relative the child was considered removed from (whether it was a physical removal or a constructive removal) when determining if the child met the AFDC relatedness criteria.

Resources

Personal property or items of value, such as checking or savings accounts, automobiles, land, buildings, life insurance, etc., used in determining financial eligibility for AFDC.

SSI

“Supplemental Security Income,” the federal program for monetary payments to low income aged, blind and disabled individuals under Title XVI of the Social Security Act, as amended.

SSA

SSA stands for Social Security Administration (SSA). The SSA office is the administrative office that issues the Supplemental Security Income (SSI) benefits.

Title IV-E Program

Title IV-E is a federal entitlement program for children who enter out-of-home care. The Title IV-E program is referred to as the federal Foster Care and Adoption Assistance Program; formerly referred to as AFDC-FC.

TPR

Termination of Parental Rights

Unearned income

Income derived from sources other than direct involvement in work-related activity, such as Veteran’s Benefits or Unemployment Compensation. Also referred to as non-earned income.

Voluntary Placement Agreement (VPA)

A voluntary placement agreement is a signed written agreement between a child welfare agency and the parents(s) or the legal guardian(s) of the child, which is binding on all the parties to the agreement, and is a revocable agreement.

APPENDIX C: IV-E ELIGIBILITY AND REIMBURSABILITY FORMS

The web sites for these forms are:

CFS-201, Title IV-E Out of Home Care Redetermination

<http://www.dhfs.state.wi.us/forms/dcms/cfs0201.pdf>

CFS-201A, Title IV-E Out of Home Care Redetermination

<http://www.dhfs.state.wi.us/forms/dcms/cfs0201a.pdf>

CFS-201, Title IV-E Out of Home Care Income and Resource Determination

<http://www.dhfs.state.wi.us/forms/dcms/cfs0205.pdf>